



Case
Cloister East, Inc.
v. NY SLA

Exhibit
9

Filippo Filicori, MD

Assistant Professor
General, Bariatric and Foregut Surgery
Zucker School of Medicine

To Whom It May Concern:

My name is Filippo Filicori. I am a Board-certified surgeon with fellowship training in Minimally Invasive Surgery and Critical Care expertise. During the months of March and April 2020 I was redeployed by my healthcare system to the Medical ICU of Lenox Hill Hospital in Manhattan where I delivered care to critically ill patients with COVID-19 disease as a Medical ICU attending physician.

I was at the Cloister Café (9238 East 9th Street, NY NY 10003) on 2 occasions during the month of July. On both occasions I found the staff and its customers to be abiding all CDC recommendations with regards to social distancing, hand hygiene and mask usage. I found the staff to be adequately trained in contact and airborne prevention control measures and the environment to be adequately ventilated and therefore not at a concerning risk for transmission of the disease.

Please feel free to reach me at ffilicori@northwell.edu for any question concerning my experience at the aforementioned venue.

Best regards,

Filippo Filicori, MD

A handwritten signature in dark ink, appearing to read "Filippo Filicori", written over a light blue horizontal line.

McLean Heights Medical Professionals

Adam Y. Goldman MD

750 McLean Avenue

Yonkers, NY 10704

(914) 803-0310

August 12, 2020

To whom it may concern,

I am licensed physician in New York State I received my medical degree at Albert Einstein College of Medicine. I trained in Internal Medicine at Mount Sinai Hospital and did my fellowship in Cardiology and Interventional Cardiology at Albert Einstein and Jacobi Medical Center. I have been in private practice for 22 years and was the director of the cardiac catheterization laboratory at Bronx Lebanon Hospital from 2000 till 2009. I am board certified in Internal Medicine and Cardiology.

I was witness and cared for hundreds of patients during the HIV epidemic during my training at Mount Sinai hospital dealing with the multiple infectious diseases associated with this rampant disease. After my training I served as a teaching attending at Montefiore Hospital Bronx, NY, St Lukes Roosevelt Hospital New York, NY and, St Joseph Hospital Yonkers, NY on the general and intensive care medical wards teaching and supervising the care of patients with a host of viral, bacterial, fungal infectious diseases.

I was personally at the Cloister Café 238 East 9th Street on multiple occasions. During my visit I noted that each guest admitted was screened for symptoms and fever before entry. All the staff in attendance were always wearing appropriate masks and facial coverings. Each guest was monitored for use of mask and facial coverings and I witnessed staff addressing patrons that were not compliant with the regulations when they got up from there seated table or entered the indoor premises to use the restroom. All table were situated 6 feet apart as per CDC recommendations and the area designated for patrons was not enclosed and was no different from any other outdoor restaurant and café that is allowed legally in the city of New York currently and only covered by umbrella in case of inclement weather. I felt secure that any reasonable care to prevent further spread of COVID and compliance with current regulations was followed in my visits. In additional I have many friends and colleagues who attended the café at different times, and I do not know of anyone who contracted or spread COVID during

their visits. I would absolutely return to this venue and bring friends and colleagues back if we have the opportunity soon.

Please feel free to contact me if it is required with any further questions.

Sincerely,

A handwritten signature in black ink, appearing to be 'Adam Y. Goldman', with a stylized, flowing script.

Adam Y. Goldman MD

Greetings Your Honor,

I am a Vascular Interventional Radiologist based in New York City. I have witnessed the worst of the worst during the Covid pandemic. I have been to the Cloister cafe consistently for the last few weeks as it was a place to me, that I considered the safest in the city during this time we live in. I can tell you, with the utmost confidence, that this cafe followed all rules and regulations to ensure safety and prevention of airborne droplet spread of the virus. Social distancing laws were strictly enforced and followed all of the basic medical principles to prevent airborne spread of the virus. Please feel free to contact me any time if you would like to discuss this in more depth.

Sincerely,

Amir Salem, MD
3102280298
NPI 1326487513
Medical License #292714



Amir Salem, MD
Vascular and Interventional Radiologist
Mobile Vascular Physicians
Asalem@mvpmedgroup.com
Cell: (310) 228-0298

Dr. Yechiel Zagelbaum F.A.A.P
200 Wallabout st. #1-C
Brooklyn, NY 11206
718-486-9800/917-767-4157

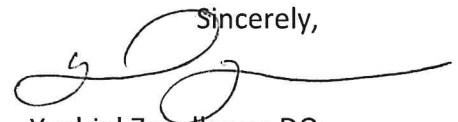
To: New York City Department of Health
From: Dr. Yechiel Zagelbaum
Re: Cloister Café

Date: 08/11/2020

To Whom It May Concern,

I am a licensed medical physician with multiple practices in New York City and New York State. My practices remained open throughout the Covid-19 pandemic and we have cared for people utilizing all the safety measures and guidelines that were put in place by New York State and the New York City Departments of Health. I have also been on the advisory board for many camps, synagogues, and schools as we navigate this pandemic following carefully the guidelines and safety protocols. I was at the Cloister Café on Thursday night, August 6th. I observed as every single recommended safety protocol was followed. It was a completely outdoor open air space with even more natural ventilation and circulation than a typical outdoor space. Social distancing was followed, masks were only removed when clients were seated at tables and eating, and everyone was seated outdoors. The police and sheriffs entered and it was fairly obvious that everyone was following the guidelines. All employees and servers were wearing masks and gloves. This was my second time there in two weeks and both times, as a physician, I was impressed by the proper safety precautions taken at the door and throughout the evening. This was a completely safe environment and all rules were followed. Please feel free to call me on my cell phone 24 hours a day for further information and questions. Thank you for your cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read 'Yechiel Zagelbaum', with a long horizontal flourish extending to the right.

Yechiel Zagelbaum DO
NY License # 215102
NPI --1558452730

Dear honorable judge,

My name is Dr. Liane Zwetzich and I work at the department of Internal Medicine at the H+H Queens Hospital Center, in Jamaica, Queens, not too long ago the epicenter of the covid19 outbreak.

I truly understand your concern in the establishment of Cloister Cafe and it's risk it might have to the patrons in spreading or contracting the virus.

As seen in multiple studies it has shown that coronavirus does not spread as easily outdoors as indoors which given today's circumstances makes Cloister Cafe a great place for a restaurant with it's large outdoor seating area and good ventilation.

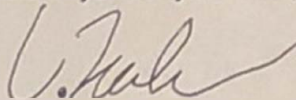
Additionally, visiting Cloister Cafe since it's reopening, I have observed temperature checks at the entrance, giving out masks to the guests, wearing those masks when not seated, and adequate distance between tables, minimizing the potential spread and taking strict measurements and precautions recommended by the CDC guidelines.

Currently, our hospital has a very low covid admission number with on average of less than 5 confirmed covid cases in the entire hospital. The numbers remained low even after thousands of people protested on the NYC streets. This has multiple reasons: For one, being the epicenter in March, a large number of NYC citizens contracted the disease already and therefore have adequate immunity. Secondly, because just like as Cloister Cafe, outdoor gatherings is a safer environment decreasing viral transmission.

For that reason, and as discussed above, I think Cloister cafe does not increase the risk of Covid transmission in our community and is safe to operate when followed the stated measurements.

If you have any questions, feel free to contact me at 718-883-3000 or on my cell phone 917-373-1338

Thank you for your time,

A handwritten signature in dark ink, appearing to read 'L. Zwetzich', with a stylized flourish at the end.

Liane Zwetzich, MD.

From the Desk of:

Steven M. Fulop

August 12, 2020

To Whom It May Concern:

I'm writing in reference to CLOISTER CAFE located at 238 East 9th Street NY NY 10003 and specifically the suspension of the liquor license that was rendered against the establishment on AUGUST 7, 2020

While I can only write to my personal experience I do feel that it is worthwhile to share some observations as I visited CLOISTER on THURSDAY, JULY 30th to see firsthand the space in question and to see what types of policies could be implemented in Jersey City to allow businesses to continue to operate.

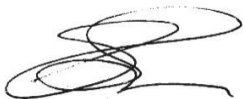
In my job as Mayor of Jersey City in which I have served since 2013 I have seen many challenges but none like the current Covid-19 pandemic. As your neighbor to the west, we have seen the exact same challenges that NYC has faced with regards to both the short and long term health of our cities. It was from this standpoint that I made some time to randomly drop in on a visit to see what protections were in place and what was permitted in NYC.

Background facts to my visit:

- On 7/30, I arrived at approximately 1045pm, and at the time, there were several people out front, including a security/door manager that was asking for identification.
- Upon entering with a mask I was told briefly about the expectations of mask-wearing throughout the establishment when people were moving, I was told about the capacity numbers of people that were allowed, and I was told the layout of the place that was being used to maintain distance between tables.
- At approximately 1130, it began to lightly rain to which my small group moved more underneath the outdoor tent covering the space.
- At approximately midnight, it continued to rain, so we decided to leave being that people were not allowed to stay inside, and the outdoor coverings were relatively insufficient for dryness, and we felt at that point we saw enough as to how the business was operating.

While I can't speak to the specifics on the date of the suspension or the alleged violations, the owners did ask me to share my experience from the week earlier in a factual format, which I am doing here as a professional and someone who has dealt with similar businesses.

Sincerely,



Steven Fulop

AMBASSADOR
PAOLO ZAMPOLLI

August 12, 2020

Your Honor,

My name is Ambassador Paolo Zampolli. I am an Ambassador to the Permanent Mission of the Commonwealth of Dominica at the United Nations. At the UN I lead numerous environmental projects, including the Diamond Awards Gala for Renewable Energy and The Friends of Climate Change. I serve as President of Green Inc. on ecological projects. I also serve as Executive Director of the International Renewable Energy Organization, I.R.E.O., an intergovernmental organization to plan various conferences on climate change.

Early on in the Pandemic, while the world mobilized quickly to find medical supplies, the Vatican turned to me to obtain COVID-19 test kits from the US to properly test the entire residence.

As a UN Ambassador I am committed to clean air, clean energy and the fight against Covid-19. During my private time, I enjoy dining at restaurants and hospitality venues specifically those that I feel most comfortable in especially during this time.

The Cloister Café located at 238 East 9th Street in Manhattan is among those I feel the most safe. The reason being that it is a complete outdoor venue with fresh and circulating airflow. This flow is further improved by the fans and mobile cooling systems installed at the Venue. Also, other guests were always seated at a distance and follow all CDC guidelines.

To confirm my absolute confidence in the establishment, I was there with friends and associates of mine almost nightly over the past month. After being in lockdown since March at my residence in Manhattan and as a New Yorker I was enjoying my time outdoors.

Your Honor I am certain you share the same feeling that our New York, "The City that Never Sleeps" has to go back to business albeit safely and not become "Fear City". As a proud New Yorker I will make myself available to give a sworn testimony in your honorable chamber if needed.

Excellency please accept my highest consideration,

A handwritten signature in black ink, appearing to read 'P. Zampolli', with a stylized flourish at the end.

Ambassador Zampolli